



General Assembly

Substitute Bill No. 5609

February Session, 2002

AN ACT CONCERNING THE PROTECTION OF LONG ISLAND SOUND.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) Notwithstanding any other
2 provision of the general statutes, no state agency, including, but not
3 limited to, the Department of Environmental Protection and the
4 Connecticut Siting Council, shall consider or render a final decision for
5 any applications relating to electric power line crossings or gas
6 pipeline crossings of Long Island Sound including, but not limited to,
7 electrical power line or gas pipeline applications that are pending or
8 received after the effective date of this section for a period of one year
9 after the effective date of this section. During such twelve-month
10 moratorium on applications relating to crossings of Long Island
11 Sound, the Institute of Sustainable Energy at the Eastern Connecticut
12 State University shall convene a working group of all interested parties
13 to establish priorities and develop strategies for minimizing the
14 number and geographical distributions of such crossings of Long
15 Island Sound and shall make recommendations to the General
16 Assembly concerning such strategy.

17 Sec. 2. (NEW) (*Effective from passage*) Not later than one year from
18 the effective date of this section, a comprehensive environmental
19 assessment and plan shall be completed under the direction of the
20 Institute for Sustainable Energy in conjunction with the assistance of a
21 representative of: (1) The Department of Environmental Protection; (2)

22 the aquaculture division of the Department of Agriculture; (3) the
23 National Marine Fisheries; (4) Save the Sound, Inc.; (5) the Connecticut
24 Fund for the Environment, Inc.; and (6) no more than three
25 representatives each from the electrical cable power industry and the
26 gas pipeline industry. Nothing in this section shall prohibit the
27 participation of other persons in the development of the
28 comprehensive environmental assessment and plan. Such assessment
29 and plan shall include, but not be limited to, the following: (A) An
30 assessment of the present status, future potential and environmental
31 impacts of proposed methods of providing power to Long Island that
32 do not require the laying of a power line or cable within Long Island
33 Sound; (B) an evaluation of methods to minimize the numbers and
34 impacts of electric power line crossings and gas pipeline crossings
35 within Long Island Sound; (C) an identification of those resources in
36 Long Island Sound that are ecologically sensitive including, but not
37 limited to, areas of environmental contamination that should be
38 avoided; (D) recommendations for providing for regional energy
39 needs while protecting Long Island Sound to the maximum extent
40 possible; and (E) recommendations on natural resource performance
41 bond levels to reimburse the state in the event that future electric
42 power line crossings or gas pipeline crossings substantially damage
43 the public trust in the natural resources of Long Island Sound.

44 Sec. 3. (NEW) (*Effective from passage*) (a) Any application for an
45 electric power line or gas pipeline crossing of Long Island Sound that
46 is considered by either the Department of Environmental Protection or
47 the Connecticut Siting Council after the creation of the comprehensive
48 environmental assessment and plan, described in section 2 of this act,
49 shall additionally be evaluated for such application's: (1) Likelihood to
50 impair the public trust in Long Island Sound based on the information
51 contained in the comprehensive environmental assessment and plan;
52 and (2) the extent to which the application is consistent with the
53 recommendations of the comprehensive environmental assessment
54 and plan described in section 2 of this act.

55 (b) Notwithstanding any provision of the general statutes or any

56 approval received pursuant to any other provision of law prior to the
57 effective date of this section, no electrical power line crossing shall be
58 constructed within Long Island Sound until the comprehensive
59 environmental assessment and plan described in section 2 of this act is
60 completed and such project has received an expedited review as
61 described in section 4 of this act. Nothing in this subsection shall be
62 construed to affect projects in the corridor of Long Island Sound
63 presently leased by Northeast Utilities.

64 Sec. 4. (NEW) (*Effective from passage*) Any electrical power line
65 project approved by any state agency prior to the effective date of this
66 section and delayed by the provisions of subsection (b) of section 3 of
67 this act, shall, after the completion of the comprehensive
68 environmental assessment and plan described in section 2 of this act,
69 receive an expedited review by each state agency that approved such
70 project. Such expedited review to approve, deny or condition the
71 approval of such project shall be limited to a determination by each
72 such state agency of the following: (1) The consistency of such project
73 with the comprehensive environmental assessment and plan described
74 in section 2 of this act; and (2) whether such project is reasonably likely
75 to impair the public trust in the natural resources of Long Island
76 Sound based on information contained in the comprehensive
77 environmental assessment and plan. If a reviewing state agency does
78 not issue a determination within ninety days of the beginning of such
79 expedited review, such project shall be deemed approved.

80 Sec. 5. (NEW) (*Effective from passage*) Notwithstanding any provision
81 of the general statutes, the Connecticut Siting Council, within fifteen
82 days of the effective date of this section shall submit the state's
83 advisory opinion to the Federal Energy Regulatory Commission
84 requesting that, on behalf of the state, the Federal Energy Regulatory
85 Commission not approve any individual new electric power line
86 crossing or gas pipeline crossings until the comprehensive
87 environmental assessment and plan described in section 2 of this act is
88 completed and that the Federal Energy Regulatory Commission avoid
89 environmental damage to Long Island Sound to the greatest extent

90 possible when licensing any future gas pipelines by considering the
91 recommendations contained in the comprehensive environmental
92 assessment and plan described in section 2 of this act.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>

ENV *Joint Favorable Subst.*

ET *Joint Favorable*

LM *Joint Favorable*

ED *Joint Favorable*